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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,007	01/21/2004	Todd A. Walker	UV-258	6197

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EXAMINER	
CHIN, RICKY	
ART UNIT	PAPER NUMBER
2423	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,007	WALKER, TODD A.	
	Examiner	Art Unit	
	RICKY CHIN	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed April 6, 2009 have been fully considered but are moot in view of the new ground(s) of rejections.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims (1-2, 6, and 13) are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al., US 2002/0124099 in view of Dunn et al., US 6,571,390, and in further view of Cleary et al., US 2002/0174438.

Regarding claim 1, Srinivasan discloses a method for providing a user with playback options while viewing a broadcast television program on user equipment (See [0003], which discloses time shifting allowing a user to pause a live broadcast), the method comprising: providing the broadcast television program to the user equipment (See [0028]); receiving a request from the user to perform a playback option while viewing the television program that is currently being broadcast (See [0003], which discloses that time shifting allows a user to pause a live broadcast as well as seek forward and backward through a stream) ; and providing a streaming version of the broadcast television program to the user equipment instead of the broadcast television program in response to the received request (See [0008]-[0011], which discloses creating overlapped recordings of a data stream allowing a user to record an entire program as well as one or more portions of the program and access them independently of one another).

However, Srinivasan doesn't explicitly teach of the method of wherein in the streaming version of the broadcast television program is generated before the broadcast of the television program. Dunn discloses a VOD system which provides a streaming version that is generated before the broadcast of the television program (See

col. 4 lines 53-67, which discloses that headend 22 provides video content programs which a viewer can select any one of the video data streams for viewing at any time).

Therefore it would have been obvious of one of ordinary skill in the art to have combined the teachings of Srinivasan with that of Dunn for the mere benefit of providing increased flexibility of playback options and the option of being able to watch a program at ones own leisure.

The combination of Srinivsan and Dunn does not explicitly teach of receiving a request, at a remote server, from the user to perform a playback option or of providing a streaming version of the broadcast program from the remote server to the user equipment for use by the user equipment.

However, in the same field of endeavor, Cleary teaches of receiving a request, at a remote server, from the user to perform a playback option (See [0062]) or of providing a streaming version of the broadcast program from the remote server to the user equipment for use by the user equipment (See [0071]-[0079]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Srinivsan and Dunn to incorporate receiving a request, at a remote server, from the user to perform a playback option or of providing a streaming version of the broadcast program from the remote server to the user equipment for use by the user equipment as taught by Cleary for the mere benefit of design preference as to direct the burden of providing the playback streams within the server instead of the local client device.

Regarding claim 2, Dunn further teaches of charging the user a fee when the user requests to perform the playback option (See col. 11 lines 58-62, which discloses a rental period).

Regarding claim 6, Dunn further teaches of wherein the generated streaming version of the broadcast television program is substantially the same as the broadcast television program (See col. 3 lines 22-40, which discloses that the viewer can order a video for a rental period. Furthermore, if the user were to order the video of the same broadcast television program then the generated streaming version would be substantially the same as the broadcast program).

Regarding claim 13, the claim has been analyzed and rejected for the same reasons set forth in claim 6.

Regarding claims 15-16,20,27,29-30,34,41,43-44,48, and 55 the claims have substantially the same subject matter as claims 1,2,6 and 13 and thus have been rejected for the same reasons set forth in the above rejected claims.

5. Claims (3-5, 7-12, 14) are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al., US 2002/0124099 in view of Dunn et al., US 6,571,390 and Cleary et al., US 2002/0174438 as applied to claim 1 above and in further view of Ellis et al., US 2002/0174430.

Regarding claim 3, Srinivasan, Dunn, and Cleary when combined teach all of the claim limitations of claim 1. However, they do not explicitly teach of receiving a request from the user to return to the broadcast of the broadcast television program. Ellis discloses this feature (See [0292], which states that live television programming may be buffered when a recording is canceled or completed). Therefore it would have been obvious of one of ordinary skill in the art at the time of the invention to have combined the teachings of Srinivasan and Dunn with that of Ellis for the mere benefit of increased flexibility of playback and allowing a user to return back to live television.

Regarding claim 4, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 3.

Regarding claim 5, Srinivasan, Dunn, Cleary, and Ellis in combination further teaches of automatically returning to the broadcast of the broadcast television program after a predetermined amount of time (Ellis [0289], which discloses scheduled recording implying a predetermined amount of time and would be able to automatically return to the broadcast as recited in claims 3 and 4).

Regarding claim 7, Srinivasan, Dunn, Cleary, and Ellis in combination further teaches of wherein the playback option is selected from the group consisting of: pause, resume, play, fast forward, rewind, slow forward, slow reverse, jump to another time

point, scan, frame-by-frame advance, frame backward, skip, and restart program (Ellis, [0018], which discloses functions of fast-forward, rewind, stop, play, record, and other suitable functions).

Regarding claim 8, Srinivasan, Cleary, Dunn and Ellis in combination further teaches of wherein providing the streaming version comprises determining the time point in the broadcast television program at which the user requests to perform the playback option (Ellis, [0018], which discloses that the application may display paused video of the television content and display a timer showing how far back the paused video is behind the live content. This would imply that the time point in the broadcast at which the user requests playback is retrieved).

Regarding claim 9, Srinivasan, Dunn, Cleary, and Ellis in combination further teaches of wherein the providing the streaming version further comprises providing the streaming version of the television program at substantially the same time point (Srinivasan, [0038], which discloses that the system can seamlessly switch between metafiles in response to stored data and user commands).

Regarding claim 10, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 8.

Regarding claim 11, Srinivasan, Dunn, Cleary, and Ellis in combination further

teaches of wherein the broadcast television program is associated with an index of time points, and wherein the determining the time point comprises using the associated index to determine the time point at which the user requests to perform the playback option (Srinivasan, [0035]-[0039], which discloses metafiles which include data portions such as minutes of a broadcast).

Regarding claim 12, Srinivasan, Dunn, Cleary, and Ellis in combination further teaches of wherein the associated index includes a plurality of embedded markers in the broadcast television program, and wherein the using the associated index comprises determining the time point corresponding to the embedded marker at which the user requests to perform the playback option (Srinivasan, [0039], which discloses that each metafile includes pointers to the appropriate media files and particular time within each media file that represent the relevant portion of the television broadcast).

Regarding claim 14, Srinivasan, Dunn, Cleary, and Ellis in combination further teaches of wherein the providing the streaming version includes detecting at least one embedded marker (Srinivasan, [0035]-[0041]).

Regarding claims 17-19,21-26,28,31-33,35-40,42,45-47,49-54, and 56 the claims have substantially the same subject matter as claims 3-5,7-12, and 14 and thus have been rejected for the same reasons set forth in the above rejected claims.

6. Claims 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al., US 2002/0124099 in view of Dunn et al., US 6,571,390 in further view of Cleary et al., US 2002/0174438, and in further view of Dow et al., Us 2004/0221311.

Regarding claims 57-60, the combination of Srinivasan, Cleary, and Dunn teach all of the claim limitations of claims 1, 15, 29, and 43. The combination does not explicitly teach of a playback option which includes playing the streaming version of the broadcast television programming starting at the beginning of the program. However, in the same field of endeavor, Dow discloses of a Play from Beginning option (See Fig. 4, 424). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Srinivasan, Cleary and Dunn to incorporate a playback option to start from the beginning of the streamed program as taught by Dow as to provide convenience to a viewer desiring to start from the beginning of a program so that the complete program may be watched.

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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